

Report Date: September 2, 2009

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
SEP 08 2009  
JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Tyrone Yarbrough

Case Number: 2:05CR00118-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 1/31/2007

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of a Firearm,  
18 U.S.C. § 922(g)(1)

Date Supervision Commenced: 4/24/2009

Original Sentence: Prison - 51 Months; TSR - 36  
Months

Date Supervision Expires: 4/23/2012

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 19 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.
- 20 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

**CAUSE**

On August 10, 2009, this officer confirmed with the Spokane Police Department that they had completed an investigation on the offender. Their investigation revealed the offender was alleged to have been involved in a 2<sup>nd</sup> degree assault on June 6, 2009, at 2:41 a.m. The victim sustained the loss of a tooth. The offender informed this officer that he was playing pool at a bar/tavern prior to the incident occurring. Mr. Yarbrough denied the allegations and revealed his brother committed the assault. The police detective assigned to the case stated he would not be submitting a request to the Spokane County Prosecutor's Office to file charges in this matter. The detective indicated the victim could not identify his assailant(s).

On August 28, 2009, this officer received a confirmation notice from Kroll Laboratories in Richmond, Virginia. The laboratory report confirmed that the urine sample the offender submitted at New Horizon Care Center on August 19, 2009, was positive for methamphetamine.

On September 2, 2009, this officer and Art Garcia, Director of New Horizon Care Centers, met with the offender at Geiger Corrections Center. The offender indicated he was being held on a Washington State Department of

Prob 12B

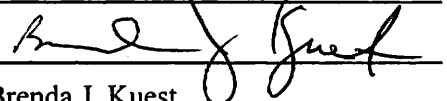
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Corrections (DOC) hold for failure to submit a change of address with his community corrections officer. The offender informed this officer and Mr. Garcia that he made a poor choice to use methamphetamine. He stated this is why his urine sample tested positive at New Horizons on August 19, 2009. Mr. Yarbrough also informed this officer and Mr. Garcia that he was at the Old Mill Tavern in the Spokane Valley during the week of August 24, 2009, when he was contacted by law enforcement. He stated this occurred at approximately 4:00 a.m. Mr. Yarbrough revealed he was not drinking and was not arrested. This officer confirmed that no police report has been filed against the offender.

Mr. Yarbrough understands the rationale behind the added conditions being required for his supervised release status. He agrees to abide by these additional special conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

9-2-09

Brenda J. Kuest  
U.S. Probation Officer

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**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

9/8/09

Date